

New Business  
11/20/18.

# INTERNAL OPERATIONS STANDING COMMITTEE



CITY OF DETROIT  
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER  
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166

November 15, 2018

## HONORABLE CITY COUNCIL

RE: *Michaelangelo Jackson, et al. v. City of Detroit, et al.*  
Wayne County Circuit Court C.A. No. 18-001339 NI

Representation by the Law Department of the City employee listed below is hereby recommended. We agree with the recommendation of the head of the department that the officer was acting within the scope of his employment at the time the acts complained of were committed. We further recommend that the City indemnifies the Defendant and, therefore, recommend a "YES" vote on the attached resolution for P.O. Steven Fultz, Badge No: 141

Please note that a copy of the original Law Department letter dated May 14, 2018 is attached (excluding the privileged and confidential attachments which were previously circulated via email). **A closed session was held in this case on April 24, 2018 to discuss trial/settlement strategy.**

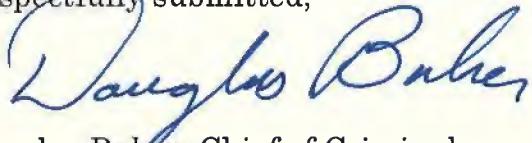
At the July 17, 2018 Formal Session, City Council denied representation of P.O. Fultz (line item 54). Subsequently, **City Council held a closed session regarding representation on November 9, 2018.** This closed session (commonly referred to as a Loudermill hearing) is a due process requirement pursuant to the U.S. Supreme Court's holding in *Cleveland Board of Education v. Loudermill*, 470 US 532 (1985). Arbitration awards issued by the Voluntary Labor Arbitration Tribunal also recognize the past practice of City Council holding hearings for police officers who have been denied representation (see Grievance Nos. 79-237, 82-055, 90-047, and 92-200/92-202).

The request for the hearing was not triggered in this case as both the Law Department and DPD recommended approval of representation and indemnification. P.O. Fultz was entitled to receive and the City of Detroit was required to hold this hearing. Now that the closed session on representation has occurred and additional and/or new information was presented to Council in this matter it is timely and appropriate for the attached resolution to be presented to your Honorable Body for a vote.



Please advise the Law Department Liaison, Ericka Savage Whitley, if you are in need of any of the privileged and confidential documents that were previously distributed in this matter.

Respectfully submitted,



Douglas Baker, Chief of Criminal  
Enforcement and Quality of Life

APPROVED:

BY: Lawrence T. Garcia  
LAWRENCE T. GARCIA  
CORPORATION COUNSEL

DB/esw  
Attachments

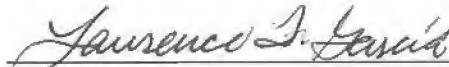
## RE S O L U T I O N

By Council Member \_\_\_\_\_ :

**RESOLVED**, that the Law Department is hereby authorized under Section 13-11-1 et. seq. of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation and indemnification to the following Employees or Officers in the lawsuit ***Michaelangelo Jackson, et al. v. City of Detroit, et al;*** Wayne County Circuit Court C.A. No. 18-001339 NI.

P.O. Steven Fultz      Badge No: 141

APPROVED:

BY:   
LAWRENCE T. GARCIA  
CORPORATION COUNSEL



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167

November 15, 2018

**HONORABLE CITY COUNCIL**

**RE: *Michaelangelo Jackson, et al. v. City of Detroit, et al.***  
**Wayne County Circuit Court C.A. No. 18-001339 NI**

Representation by the Law Department of the City employee listed below is hereby recommended. We agree with the recommendation of the head of the department that the officer was acting within the scope of his employment at the time the acts complained of were committed. We further recommend that the City indemnifies the Defendant and, therefore, recommend a "YES" vote on the attached resolution for **P.O. Richard Billingslea, Badge No: 971**.

Please note that a copy of the original Law Department letter dated May 14, 2018 is attached (excluding the privileged and confidential attachments which were previously circulated via email). **A closed session was held in this case on April 24, 2018 to discuss trial/settlement strategy.**

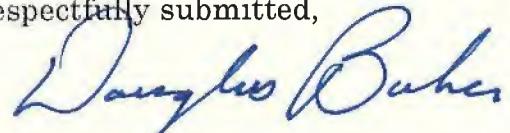
At the July 17, 2018 Formal Session, City Council denied representation of P.O. Billingslea (line item 54). Subsequently, **City Council held a closed session regarding representation on November 9, 2018**. This closed session (commonly referred to as a Loudermill hearing) is a due process requirement pursuant to the U.S. Supreme Court's holding in Cleveland Board of Education v. Loudermill, 470 US 532 (1985). Arbitration awards issued by the Voluntary Labor Arbitration Tribunal also recognize the past practice of City Council holding hearings for police officers who have been denied representation (see Grievance Nos. 79-237, 82-055, 90-047, and 92-200/92-202).

The request for the hearing was not triggered in this case as both the Law Department and DPD recommended approval of representation and indemnification. P.O. Billingslea was entitled to receive and the City of Detroit was required to hold this hearing. Now that the closed session on representation has occurred and additional and/or new information was presented to Council in this matter it is timely and appropriate for the attached resolution to be presented to your Honorable Body for a vote.



Please advise the Law Department Liaison, Ericka Savage Whitley, if you are in need of any of the privileged and confidential documents that were previously distributed in this matter.

Respectfully submitted,



Douglas Baker, Chief of Criminal  
Enforcement and Quality of Life

APPROVED:

BY: Lawrence T. Garcia  
LAWRENCE T. GARCIA  
CORPORATION COUNSEL

DB/esw  
Attachments

## RE S O L U T I O N

By Council Member \_\_\_\_\_:

**RESOLVED**, that the Law Department is hereby authorized under Section 13-11-1 et. seq. of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation and indemnification to the following Employees or Officers in the lawsuit *Michaelangelo Jackson, et al. v. City of Detroit, et al*; Wayne County Circuit Court C.A. No. 18-001339 NI.

P.O. Richard Billingslea, Badge No: 971.

APPROVED:

BY: Lawrence T. Garcia  
LAWRENCE T. GARCIA  
CORPORATION COUNSEL



168

November 15, 2018

## HONORABLE CITY COUNCIL

RE: *Mikiah Jackson, et al. v. City of Detroit, et al.*  
Wayne County Circuit Court C.A. No. 18-001339 NI.

Representation by the Law Department of the City employee listed below is hereby recommended. We agree with the recommendation of the head of the department that the officer was acting within the scope of his employment at the time the acts complained of were committed. We further recommend that the City indemnifies the Defendant and, therefore, recommend a "YES" vote on the attached resolution for **P.O. Hakeem Patterson, Badge No: 3639.**

Please note that a copy of the original Law Department letter dated May 14, 2018 is attached (excluding the privileged and confidential attachments which were previously circulated via email). A **closed session was held in this case on April 24, 2018 to discuss trial/settlement strategy.**

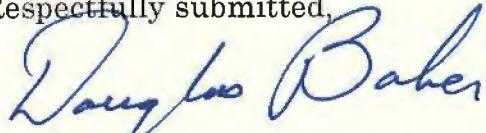
At the July 17, 2018 Formal Session, City Council denied representation of P.O. Patterson (line item 55). Subsequently, **City Council held a closed session regarding representation on November 9, 2018**. This closed session (commonly referred to as a Loudermill hearing) is a due process requirement pursuant to the U.S. Supreme Court's holding in Cleveland Board of Education v. Loudermill, 470 US 532 (1985). Arbitration awards issued by the Voluntary Labor Arbitration Tribunal also recognize the past practice of City Council holding hearings for police officers who have been denied representation (see Grievance Nos. 79-237, 82-055, 90-047, and 92-200/92-202).

The request for the hearing was not triggered in this case as both the Law Department and DPD recommended approval of representation and indemnification. P.O. Patterson was entitled to receive and the City of Detroit was required to hold this hearing. Now that the closed session on representation has occurred and additional and/or new information was presented to Council in this matter it is timely and appropriate for the attached resolution to be presented to your Honorable Body for a vote.



Please advise the Law Department Liaison, Ericka Savage Whitley, if you are in need of any of the privileged and confidential documents that were previously distributed in this matter.

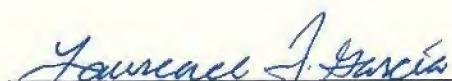
Respectfully submitted,



Douglas Baker, Chief of Criminal  
Enforcement and Quality of Life

APPROVED:

BY:



LAWRENCE T. GARCIA  
CORPORATION COUNSEL

DB/esw

Attachments

## RE S O L U T I O N

By Council Member \_\_\_\_\_:

**RESOLVED**, that the Law Department is hereby authorized under Section 13-11-1 et. seq. of the Municipal Code of the City of Detroit and in accordance with the foregoing communication to provide legal representation and indemnification to the following Employees or Officers in the lawsuit ***Mikiah Jackson, et al. v. City of Detroit, et al.***; Wayne County Circuit Court C.A. No. 18-001339 NI.

**P.O. Hakeem Patterson, Badge No: 3639**

APPROVED:

BY: Lawrence T. Garcia  
LAWRENCE T. GARCIA  
CORPORATION COUNSEL

Alton James  
Chairperson  
Lauren Hood, MCD  
Vice Chair/Secretary

**City of Detroit**  
**CITY PLANNING COMMISSION**  
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Brenda Goss Andrews  
Lisa Whitmore Davis  
David Esparza, AIA, LEED  
Gregory Pawlowski  
Frederick E. Russell, Jr.  
Angy Webb

November 15, 2018

HONORABLE CITY COUNCIL

**RE: Recodification of Chapter 61 of the 1984 Detroit City Code, Zoning, to Chapter 50 of the 2018 Detroit City Code (RECOMMEND APPROVAL)**

### **RECOMMENDATION**

The City Planning Commission (CPC) respectfully recommends approval of the recodified Zoning chapter being submitted by the City Clerk and the Law Department as part of the ordinance to effect the recodification of the 1984 Detroit City Code.

### **BACKGROUND**

State law mandates the periodic updating of a municipality's city code. The current 1984 Detroit City Code consists of 61 chapters. The forthcoming 2018 Detroit City Code will have 50 chapters. Consistent with the Michigan Zoning Enabling Act, the CPC provided public notice in the *Detroit Legal News* of Wednesday, October 31, 2018 and convened a November 15, 2018 public hearing for the proposed changes to the Zoning chapter.

### **SUMMARY OF CHANGES IN THE ZONING CHAPTER**

The recodified Zoning chapter does not address land use issues of substance but there are many "housekeeping" matters—principally the renumbering of the entire Zoning chapter—that are required by law. Several land use terms are being altered but the permissibility of those land uses remains unaltered.

The proposed, recodified Zoning Ordinance, Chapter 50 of the 2018 Detroit City Code, will differ from the current Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code in a number of ways:

- Section numbers throughout the Zoning Ordinance are being adjusted.
- As state statutes and local ordinances have been amended, obsolete or inaccurate cross-references are deleted or corrected.

- Lists of land uses, conditions, or other items are routinely preceded by an explicit statement to indicate the topic of the section catch line.
- References to discontinued or renamed governmental departments, agencies, and offices are removed, updated or corrected.
- Appropriate reference to the City Charter is inserted where the Zoning Ordinance authorizes establishment of a fee.
- The vocabulary of certain land uses is changed without altering the permissibility of the given land use in a given zoning district, namely:
  - “Bathhouse” is renamed “Public bathhouse” for consistency with references elsewhere in the City Code.
  - “Fireworks sales” is renamed “Fireworks sales, consumer;” the terms, “Display fireworks,” “Low-impact fireworks,” “Articles pyrotechnic,” and “Special effects” are added as new definitions in Article XVI for consistency with references elsewhere in the City Code.
  - “Home for the aged” is dissociated from the land use “Adult foster care” for consistency with State law and the term is newly defined in Article XVI and listed as a permissible land use in the same zoning districts as at present.
  - “Massage therapy clinic” is renamed “Massage facility.”
  - “Tattoo parlor and/or piercing parlor” is renamed “Body art facility” and is defined in Article XVI.
  - “Secondhand store” is renamed “Used goods dealer facility” for consistency with references elsewhere in the City Code and is defined in Article XVI.
  - “Secondhand jewelry store” is renamed “Precious metal and gem dealer facility;” the use is newly defined in Article XVI for consistency with references elsewhere in the City Code.
  - “Public storage house” is renamed “Public storage facility.”
  - “Motorcycle club” is newly defined for consistency with references elsewhere in the City Code.
- Provisions regarding “Development plan areas” are repealed or revised consistent with Emergency Manager Order No. 36 and Ord. No. 34-14.

The recodified Zoning chapter is **not** a component of the ongoing two-year revision and update of the Zoning Ordinance.

## **CPC DELIBERATIONS AND RESULTS OF THE PUBLIC HEARING**

At the Planning Commission’s meeting of November 1<sup>st</sup>, Commissioners raised numerous questions of CPC staff and of the representatives of the City Clerk’s office, Mr. Dennis Mazurek and Ms. Josephine Powell.

At the CPC meeting of November 15, 2018, a public hearing was held regarding the recodification of the Detroit City Code, one chapter of which is “Zoning,” Chapter 50. Four members of the public offered testimony at the hearing: none was opposed to the recodification; two supported the proposed changes; two others offered comments and posed general questions.

## **CONCLUSION**

Consistent with its bylaws and after receiving testimony at its public hearing, the CPC voted on November 15, 2018 to recommend incorporation of the proposed Zoning chapter into the recodified Detroit City Code, as summarized in the CPC report of November 14, 2018,.

Respectfully submitted,

ALTON JAMES, Chairperson



Marcell R. Todd, Jr., Director

M. Rory Bolger, Staff